

*ing to* this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by and independent of the nation. For experience has already shown that the impeachment it has provided is not even a scarecrow, that such opinions as the one you combat sent cautiously out, as you observe also> by detachment, not belonging to the case often, but sought for out of it as if to rally the public opinion beforehand to their views and to indicate the line they are to> walk in, have been so quietly passed over as never to have excited animadversion even in a speech of any one of the body entrusted with impeachment. The Constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered as an axiom of eternal truth in politics that whatever power in any government is independent is absolute also^, in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in the mass. They are inherently independent of all but moral law. My construction of the Constitution is very different from that you quote. It is that each department is truly independent of the others, and has an equal rig-ht to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal. I will explain myself by examples which have occurred while I was in office and better known to me and the principles which governed them.

A legislature had passed a sedition law. The federal courts had subjected certain individuals to its penalties of fine and imprisonment. On coming into office, I released those individuals by the power of pardon committed to executive discretion, which could never be more completely exercised than where citizens were suffering without the authority of law, or which was equivalent, under a law unauthorized by the Constitution and therefore null. In the case of Marbury and Madison, the federal judges declared that commissions signed and sealed by the President were valid, although not delivered. I deemed